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6 Attorneys for Defendants,  
CITY OF OAKLAND, OAKLAND  
7 POLICE DEPARTMENT, CHIEF WAYNE  
TUCKER, SGT. BERNARD ORTIZ  
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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 MIGUEL ORTEGA, BENJAMIN ORTEGA,

14 Plaintiffs,

15 v.

16 CITY OF OAKLAND, OAKLAND POLICE  
DEPARTMENT, WAYNE TUCKER, In His  
17 Capacity as the Police Chief of the City of  
Oakland, RAMON J. ALCANTAR, Individually  
18 and in his capacity as a Police Officer for the  
City of Oakland, B. ORTIZ, Individually and in  
19 his capacity as a Police Officer for the City of  
Oakland, DOES 1 THROUGH 200,

20 Defendants.  
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Case No. C-07-02659 (JCS)

**DECLARATION OF CHARLES VOSE IN  
SUPPORT OF DEFENDANTS' REPLY  
TO MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

Date: September 19, 2008  
Time: 9:30 a.m.  
Dept.: Courtroom A, 15th Floor  
The Honorable Joseph C. Spero

22 I, Charles Vose, declare:

23 1. I am an attorney licensed to practice before all courts of the State of California and  
24 am a Senior Deputy City Attorney with the Office of the City Attorney of Oakland, one of the  
25 attorney's of record for defendants herein. The matters set forth herein are known to me to be true,  
26 and if called upon, I could competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of Defendant City of Oakland's Interrogatories, Set One, to Plaintiff Miguel Ortega.

3. Attached hereto as Exhibit B is a true and correct copy of Plaintiff Miguel Ortega's verified Responses to Interrogatories, Set One.

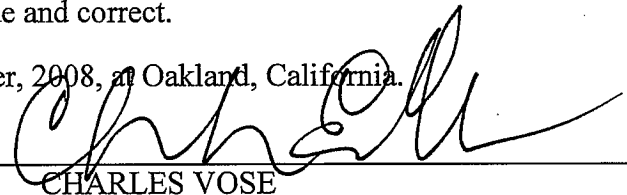
4. The only place in the Second Amended Complaint where Miguel alleges that he sustained physical injuries is under the Sixth Cause of Action for Battery. (See SAC at ¶40.) In Interrogatory Number 12, I asked for all facts that supported Plaintiff's contention that any Oakland police officer committed battery on him. No where in Plaintiff's response to this Interrogatory does Plaintiff state that he had any physical injuries as a result of this incident. Plaintiff also does not state he was thrown to the ground or otherwise battered by Officer Ortiz or any other officer.

5. Attached hereto as Exhibit C is a true and correct copy of Defendant City of Oakland's Request For Production of Documents, Set One, to Plaintiff Miguel Ortega.

6. Attached hereto as Exhibit D is a true and correct copy of Plaintiff Miguel Ortega's Responses To Request For Production of Documents, Set One.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed this 4th day of September, 2008, at Oakland, California.



CHARLES VOSE